

REMARKS

Reconsideration of the pending application is respectfully requested in view of the following observations.

1. In the specification

The Office Action indicates that the substitute specification filed on June 10, 2009 was not entered. We note, however, that a substitute specification was not filed in the instant application. An Amendment to the Specification was correctly filed on October 9, 2009 in proper form.

Entry of the Amendment to the Specification filed on October 9, 2009 is kindly requested.

2. Rejection of claims 1-6, 8-12, and 15 under 35 USC 103(a) over US patent 5,287,112 (*Schuermann*) in view of US patent 6,905,074 (*Charrat*)

Reconsideration of the rejection is respectfully requested in view of the following observations.

Claim 1 recites a communication apparatus for setting up a data connection between intelligent devices. The communication apparatus comprises four elements: a transmission oscillator, a communication element, a measuring device, and a switching apparatus. The measuring device is used to monitor a property of the transmission oscillator and outputs a signal to the switching apparatus when the measuring device ascertains a change of the monitored property. When the switching apparatus receives a control signal from the measuring device, the switching apparatus switches the communication device on.

The *Schuermann* patent is directed to an RFID system where a transponder can receiving powering signals through an antenna. The transponder arrangement includes an interrogator (12) and a responder or transponder (14). The interrogator contains a control circuit (16) and a resonant circuit (28). As acknowledged by the Examiner, the *Schuermann* patent does not disclose a measuring device or a switching apparatus as required by claim 1.

The *Charrat* patent is relied on for the teaching of the measuring device and the switching device. The device of the *Charrat* patent is a contactless reader with an active standby mode to reduce power consumption. The contactless reader communicates with a

contactless integrated circuit (5) through an antenna coil (L2) (see Fig. 3). The reader detects the presence of a contactless integrated circuit (5) based on the amplitude of the magnetic field. The amplitude of the envelope signal (SE) is further based on the amplitude of the magnetic field pulses. When a contactless integrated circuit (5) is present, the amplitude (V2) of the envelope signal is substantially lower than when the contactless integrated circuit (5) is absent. (see col. 7, lines 49-54). The active standby mode of the reader reduces power consumption by emitting short magnetic field pulses compared to the longer magnetic field pulses of the prior art.

The reader (5) contains a monitoring circuit (DETC3) which is an analog-to-digital converter and outputs a digital amplitude value (DSE) to the microprocessor (MP). The MP does the actual monitoring of the envelope pulses (SE) (see col. 9, lines 26-32) by comparing the amplitude value of each envelope pulse with the threshold DTH (see col. 9, lines 50-53). When the amplitude value of the envelope pulse is lower than DTH, a contactless integrated circuit is present.

It is submitted that the proposed combination of *Schuermann* and *Charrat* fails to teach all of the features of claim 1.

First, the proposed combination of *Schuermann* and *Charrat* does not teach or suggest a switching device which receives a control signal from the measuring device and switches on the communication element in response to the control signal. Neither *Schuermann* nor *Charrat* teach or suggest a switching device as required by claim 1. The *Charrat* patent does disclose a switching device (SW). This switching device, however, is used in the transmission of data (DTr) and is in no way used to turn on elements (see col. 6, line 65 – col. 7, line 3).

Second, while the Office Action indicates that *Charrat* supports the notion of communication circuits being powered down or switched off by the microprocessor in standby mode, the Applicant respectfully disagrees. *Charrat* is completely silent as to the powering down of circuits. *Charrat* attributes its power savings to the use of a shorter magnetic field pulse whereas the prior art uses a constant magnetic field or longer bursts (see col. 7, lines 8-16). *Charrat* reduces power consumption in the standby mode, not by powering down circuits, but by reducing the length of time that the magnetic field is propagated.

A general teaching of powering down circuits would not teach or suggest turning on a communication element in response to a changed oscillator property. Claim 1 is specific in requiring that the switching apparatus turn on the *communication element*. Therefore, the proposed combination of *Schuermann* and *Charrat* cannot teach or suggest a switching device as required by claim 1.

Next, the proposed combination of *Schuermann* and *Charrat* does not teach or suggest a measuring device which monitors a property of the transmission oscillator and further outputs a control signal when it has sensed a change in the monitored property. The *Schuermann* patent does not disclose a measuring device, and the *Charrat* patent discloses a monitoring device and multiprocessor used in the detection of the presence of a contactless integrated circuit (5).

The measuring device of claim 1 monitors a property of the transmission oscillator. The monitoring circuit (DECT3) of *Charrat* monitors a property of the envelope pulse, not of the coil. A property of the transmission oscillator would be the oscillator's frequency or impedance when operated in resonance (see paragraph [0045]). DECT3 continuously monitors the amplitude of the envelope pulse which is used in the detection of a contactless integrated circuit (5). *Charrat* utilizes the magnetic field pulses throughout the detection period.

In contrast to *Charrat*, the search signals of the communication element are not emitted until the communication element is switched on by the switching element as supported by claim 1. Thus, the search signals are only begun once the measuring device detects that a transponder may be located within the response range of the coil (see paragraph [0006]), so no search signals are emitted during detection mode (see paragraphs [0040] and [0041]).

Lastly, the control circuit (16) of *Schuermann* changes the frequency of the resonant circuit (28) (see col. 3, lines 33-41) and *Charrat* monitors amplitudes of pulses. As a result, the proposed combination of *Schuermann* and *Charrat* would not monitor the frequency of the resonant circuit.

Accordingly, the proposed combination of *Schuermann* and *Charrat* fails to disclose or suggest all of the features of claim 1. Independent claim 15 contains features similar to claim 1 and is also allowable for the reasons above. Moreover, claims 2-6 and 8-12 are

likewise in condition for allowance in view of their dependency from one of claims 1 and 15 and their individually recited features.

Withdrawal of the rejection of the claims in view of the prior art is kindly requested.

3. Rejection of claims 7 and 16 under 35 USC 103(a) over US patent 5,287,112 (Schuermann) in view of US patent 6,905,074 (Charrat) and US patent 6,317,027 (Watkins)

Claims 7 and 16 are in condition for allowance in view of their dependency from claims 1 or 15, as discussed above and their individually recited features. The *Watkins* patent does not correct the deficiencies of *Schuermann* or *Charrat* as discussed above.

Accordingly, claims 7 and 16 are allowable over the prior art.

Withdrawal of the rejection of the claims in view of the prior art is kindly requested.

4. Rejection of claims 13 and 14 under 35 USC 103(a) over US patent 5,287,112 (Schuermann) in view of US patent 6,905,074 (Charrat) and US patent 5,491,715 (Flaxl)

Claims 13 and 14 are in condition for allowance in view of their dependency from claim 1, as discussed above and their individually recited features. The *Flaxl* patent does not correct the deficiencies of *Schuermann* or *Charrat* as discussed above.

Accordingly, claims 13 and 14 are allowable over the prior art.

Withdrawal of the rejection of the claims in view of the prior art is kindly requested.

5. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

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